

Message Text

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ACTION EB-07

INFO OCT-01 ARA-10 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-02 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 L-03 /035 W

----- 077972

R 011930Z MAR 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WAHDC 7428

UNCLAS SANTIAGO 1590

EO. 11652:N/A

TAGS: EWWT, CI

SUBJ: DISCRIMINATORY SHIPPING PRACTICES

REF: A) SANTIAGO 1589 B) STATE 45402

1. AS PROMISED REF A, THERE FOLLOWS INFORMAL TRANSLATIONS OF
TEXTS OF RESOLUTION 98

DATED JANUARY 26 AND PROMULGATED ON FEBRUARY 4, AND
ORDER 431 TO CENTRAL BANK, OF FEBRUARY 3, WHICH IS
PURSUANT TO IT.

2. BEGIN TEXT OF RESOLUTION 98:

IN VIEW OF: THE STIPULATIONS OF DECREE LAWS 1 AND 128
OF 1973, AND NO. 527 OF 1974, ARTICLE 22 OF LAW NO. 12041,
AS AMENDED BY DECREE LAW NO. 466 OF 1974, DECREE LAW NO.1297
OF DECEMBER 23, 1975, AND

WHEREAS:

THE COMPANIA SUDAMERICANA DE VAPORES (ACHILEAN CORPORATION)
HAS POOL AGREEMENT AUTHORIZED BY THE RESPECTIVE GOVERNMENTS:
WITH LYKES BROS. STEAMSHIPS (A REGULAR SERVICE NORTH AMERICAN
SHIPPING COMPANY) FOR IMPORT CARGO IN THE GULF ZONE OF
THE UNITED STATES OF AMERICA BETWEEN BRONSVILLE (SIC&0 AND
KEY WEST:

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WITH PRUDENTIAL GRACE LINE INC. (A REGULAR SERVICE

NORTH AMERICAN SHIPPING COMPANY) FOR IMPORT CARGO IN THE ATLANTIC ZONE OF THE UNITED STATES OF AMERICA BETWEEN MAINE AND KEY WEST.

THE COMPANIA CHILENA DE NAVEGACION INTEROCEANICA, MAINTAINS REGULAR TRAFFIC TO THE PACIFIC COAST OF THE UNITED STATES, AND THE SOLE ARTICLE OF LAW NO. 2197 OF DECEMBER 23, 1975 EMPOWERS THE MINISTRY OF TRANSPORTATION TO ESTABLISH BY MEANS

A MINISTERIAL RESOLUTION, IF THE COUNTRY OF DESTINATION OF THE CARGO RECOGNIZES RECIPROCITY TO CHILEAN VESSELS WITH RESPECT TO SIMILAR CARGOES:

I RESOLVE:

VESSELS OF THE NORTH AMERICAN REGULAR SERVICE SHIPPING COMPANIES, LYKES BROS, STEAMSHIP CO. INC. AND PRUDENTIAL GRACE LINES, INC., MAY CARRY UP TO 50 PERCENT OF CHILEAN GENERAL EXPORT CARGO DESTINED TO THE GULF ZONE, ATLANTIC AND PACIFIC COASTS OF THE UNITED STATES OF AMERICA, BY VIRTUE OF THE PRINCIPLE OF RECIPROCITY MENTIONED IN DECREE LAW NO. 1297 OF 1975, WITHIN THEIR PRESENT REGULAR TRAFFIC OR THOSE WHICH IN FUTURE MAY BE ESTABLISHED.

(SIGNED) GENERAL ENRIQUE GARIN

MINISTER OF TRANSPORTATION

END TEXT OF RESOLUTION 98.

3. BEGIN TEXT OF ORDER 431;

FROM: MINISTER OF TRANSPORTATION

TO: PRESIDENT OF THE CENTRAL BANK OF CHILE.

AS YOU ARE AWARE, DECREE LAW NO. 1297 OF DECEMBER 23, 1975. ESTABLISHES THAT "UP TO 50 PERCENT OF EXPORT CARGOES MAY BE CARRIED IN VESSELS OF THE COUNTRY OF DESTINATION, WHEN THIS COUNTRY RECOGNIZES EQUAL RECIPROCITY RIGHT TO CHILEAN VESSELS FOR SIMILAR CARGOES" AND EMPOWERS THE MINISTRY OF TRANSPORTATION TO DETERMINE WHETHER THIS RECIPROCITY OF

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TRANSPORTATION TO DETERMINE WHETHER THIS RECIPROCITY EXISTS.

IN ACCORDANCE WITH RESOLUTION NO. 98 OF THIS MINISTRY, DATED JANUARY 26, 1976, IT IS RECOGNIZED THAT THE UNITED STATES OF AMERICA HAS THE RIGHT TO CARRY TO THAT COUNTRY UP TO 50 PERCENT OF OUR EXPORTS IN THEIR FLAG VESSELS PRESENTLY SERVING THE TRAFFIC TO THE PACIFIC, GULF AND ATLANTIC COASTS.

I THEREFORE REQUEST YOUR AUTHORIZATION FOR 50 PERCENT OF EXPORT CARGOES TO THE UNITED STATES, CARRIED IN VESSELS COVERED BY POOLS AND AGREEMENTS WITH THE REFERRED COUNTRY AND BY THE SHIPPING LINES SERVICING THE REGIONS MENTIONED, AS STIUPLATED IN ARTICLE 17 OF THE REGULATIONS OF LAW 12041.

I WOULD APPRECIATE YOUR SENDING A MONTHLY REPORT, AS FROM THIS DATE, TO THE MARITIME DEPARTMENT COVERING EXPORT CARGOES SUBJECT TOTHE TREATMENT ORIGINATING IN THIS AND OTHER FUTURE RECOGNITIONS OF RECIPROCITY.

FOR YOUR INFORMATION I AM ENCLOSING A COPY OF RESOLUTION N0. 98.

(SIGNED) GENERAL ENRIQUE GARIN
MINISTER OF TRANSPORTATION

END TEXT OF ORDER 431.
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Margaret P. Grafeld
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